

# **DEPARTMENTS OF JUSTICE, EDUCATION, AND HEALTH AND HUMAN SERVICES**



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## **DEPARTMENTS OF JUSTICE, EDUCATION, AND HEALTH AND HUMAN SERVICES ISSUE LETTER TO HEALTH-RELATED SCHOOLS REGARDING HEPATITIS B DISCRIMINATION**

WASHINGTON – The Department of Justice, the Department of Education, and the Department of Health and Human Services sent a joint letter today to the nation’s medical schools, dental schools, nursing schools, and other health-related schools regarding hepatitis B discrimination.

In the letter, the departments express concern that some health-related schools may be making enrollment decisions based on an incorrect understanding of the hepatitis B virus, resulting in discrimination.

The letter updates schools on the latest recommendations from the Centers for Disease Control and Prevention (CDC) regarding the participation of students with hepatitis B in health-related schools. The letter also emphasizes the importance of CDC’s recommendations, especially as they relate to the schools’ obligation to comply with federal laws prohibiting discrimination on the basis of disability, race, color, and national origin.

Approximately 800,000 to 1.4 million people in the United States have hepatitis B. Asians, Native Hawaiians, and Pacific Islanders make up roughly 4.5 percent of the U.S. population, but represent 50 percent of the persons with hepatitis B in the United States.

The letter cites to a March 2013 settlement agreement that the Justice Department reached with a medical school and a school of osteopathic medicine resolving allegations that the schools violated the Americans with Disabilities Act by excluding previously-accepted applicants with hepatitis B from their programs.

The updated CDC recommendations, based on the most current scientific information, dispel many myths associated with hepatitis B and provide guidance to health-related schools on managing students with the virus. The CDC also notes that since the last update of the recommendations in 1991, there have been no reports of hepatitis B transmission in the United States or other developed countries from medical or dental students to patients. Among other

recommendations, the CDC recommends that chronic hepatitis B virus infection, in itself, should not preclude the study or practice of medicine, surgery, dentistry, or allied health professions.

“The Justice Department strongly urges health-related schools to review the CDC’s recommendations and to ensure that their policies and practices comply with federal nondiscrimination laws,” said Jocelyn Samuels, Principal Deputy Assistant Attorney General for the Civil Rights Division of the Justice Department. “Applicants and students with hepatitis B should not have to face exclusion on the basis of unfounded fears and stereotypes, and the Justice Department will not tolerate it.”

“Both public health and civil rights will be promoted when medical schools rely on the most recent scientific information, not overbroad generalizations, in dealing with medical students with hepatitis B,” said Seth Galanter, Acting Assistant Secretary for Civil Rights in the Department of Education.

Leon Rodriguez, Director of the Office for Civil Rights in the Department of Health and Human Services, agrees that health-related schools must ensure that they do not deny equal access to individuals based on discrimination, adding: “The CDC recommendations promote public health and safety while also offering guidance on the management of students with hepatitis B. Our agencies place considerable weight on this guidance in our enforcement of Federal civil rights laws.”

The Departments of Justice, Education, and Health and Human Services share responsibility for protecting the rights of students and applicants with disabilities, including those with hepatitis B, in schools of higher education by enforcing titles II and III of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. These laws prohibit covered postsecondary institutions from discriminating on the basis of disability and from refusing to make reasonable modifications to their policies, practices, or procedures when necessary to avoid discrimination on the basis of disability, unless such modifications would fundamentally alter the nature of the program or the services provided. The Departments of Justice, Education, and Health and Human Services also enforce Title VI of the Civil Rights Act, which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance, including those of health-related schools.

Additional information about the Civil Rights Division of the Justice Department is available on its website at [www.justice.gov/crt](http://www.justice.gov/crt). Additional information about the Department of Education’s Office for Civil Rights is available on its website at [www.ed.gov/ocr/](http://www.ed.gov/ocr/). Additional information about the Department of Health and Human Service’s Office for Civil Rights is available on its website at [www.hhs.gov/ocr/](http://www.hhs.gov/ocr/).

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